

So Ordered.

Dated: August 23rd, 2017



*Frederick P. Corbit*  
Frederick P. Corbit  
Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT  
IN AND FOR THE EASTERN DISTRICT OF WASHINGTON

In re:

No.: 15-03276-FPC11

MONTE L. MASINGALE AND ROSANA D.  
MASINGALE,

Chapter 11

Debtors.

**FINDINGS OF FACT**

**THIS MATTER** coming before the Court for hearing upon the issues raised by Debtors' request for confirmation of Debtors' Chapter 11 Amended Chapter 11 Plan of Reorganization filed herein on March 2, 2017 [*Docket No. 222*], amended per Plan Amendment filed June 2, 2017 [*Docket No. 243*], and amended on August 7, 2017 [*Docket No. 279*] ("Plan"), and based upon the evidence produced, the Court now makes the following:

**FINDINGS OF FACT**

1. Debtors' Plan was submitted to Creditors and other parties in interest;

Findings of Fact-1

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1           2.     The Plan has been accepted in writing by the creditors and equity security  
2 holders whose acceptance is required by law;

3           3.     The provisions of Chapter 11 of the United States Code have been complied  
4 with and the Plan has been proposed in good faith and not by any means forbidden by  
5 law;

6           4.     (a) Each holder of a claim or interest has accepted the Plan or will receive or  
7 retain under the Plan property of a value, as of the effective date of the Plan, that is not  
8 less than the amount that such holder would receive or retain if the Debtors were  
9 liquidated under Chapter 7 of the Code on such date, or (b) the Plan does not discriminate  
10 unfairly, and is fair and equitable with respect to each class of claims or interests that is  
11 impaired under, and has not accepted the Plan;

12           5.     All payments made or promised by the Debtors or by a person issuing  
13 securities or acquiring property under the Plan or by any other person for services or for  
14 costs and expenses in, or in connection with, the Plan and incident to the case, have been  
15 fully disclosed to the Court and are reasonable and are hereby approved, or, if to be fixed  
16 after confirmation of the Plan, will be subject to approval of the Court;

17           6.     Confirmation of the Plan is not likely to be followed by the liquidation, or the  
18 need for further financial reorganization of the Debtors, or (b) if the Plan is a plan of  
19 liquidation, the Plan sets a time period in which liquidation will be accomplished, and  
20 provides for the eventuality that the liquidation is not accomplished in that time period;

21           7.     Creditors were given Notice of Confirmation and no objections thereto were  
22 made, or if made, have been withdrawn, resolved or overruled;

23  
24  
25 Findings of Fact-2

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1           8.     It is proper that the Plan be confirmed.

2                               ///END OF ORDER///

3 PRESENTED BY:

4 SOUTHWELL & O'ROURKE, P.S.

5  
6 BY:  s/ Dan O'Rourke  
7     DAN O'ROURKE, WSBA #4911

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Findings of Fact-3

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